

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended in light of the following discussion, is respectfully requested.

Claims 22, 24-32, 34-41, 43 and 48-49 are pending in this application. Claims 22 and 32 are amended. Support for the changes to the claims is found in the originally filed disclosure, including the drawings at least in Fig. 9. No new matter is added.

In the outstanding Office Action, Claims 22, 26, 32, 36 and 43 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. 6,922,843 (Herrington) in view of U.S. 2002/0129368 (Schlack), U.S. 2009/0077589 (Boyer) and U.S. 2002/0140728 (Zimmerman); Claims 24-25, 27, 29, 31, 34-35, 37, 39, 41 and 48-49 were rejected under 35 U.S.C. § 103(a) as unpatentable over Herrington in view of Schlack, Boyer, Zimmerman and U.S. 2004/0017831 (Ellis); and Claims 28, 30, 38 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Herrington in view of Schlack, Boyer, Zimmerman, Ellis and U.S. 2003/0212708 (Potrebic).

As made of record on June 21, 2010, a personal interview was conducted with Examiners Beliveau and Huerta on May 13, 2010 to discuss aspects of the claimed invention. At the interview the concept of the claimed measuring of appearances of attribute-values was discussed. Previously, that claim language recited “a number of appearances.” Later, that language was replaced with, “a frequency of appearances.”¹ However, it does not appear the previously discussed meaning of “frequency of appearances” is reflected in the rejection of record.

In particular, the prior response filed October 8, 2010, argued the art of record fails to describe the claimed aspects of measuring a frequency of appearances of a plurality of attribute-values of each content in the viewing log. In that prior response, Schlack was not

¹ See amendment filed October 8, 2010. The current Office Action is in response to that amendment.

relied upon as a reference in the rejections. However, it is respectfully submitted Schlack also fails to disclose or reasonably suggest the claimed frequency of appearances.

To emphasize the difference between the claims and the cited art, a clarifying amendment to Claims 22 and 32 is submitted herewith, which is consistent with the description of the claimed invention provided in the interview noted above. In particular, Claims 22 and 32 are amended to recite the frequency of appearances indicate a number of times each attribute-value appears in the acquired content-associated information for content of the viewing log during a selected period of time which includes at least the viewing of the content and the purchase of the another content. A non-limiting example of an implementation including this measuring of a frequency of appearances is shown in Figure 9.

In Figure 9, a user selects a time period (e.g., six months) and various attribute-values are shown ranked together. For example, the attribute-value Asatsu Noriyuki has 622 appearances in the selected time period whereas the double triangle attribute-value has only three appearances. As noted in Figure 9, the ranking includes attribute-values pertaining to a particular program as well as a particular performer (i.e., two different attributes).

None of the art of record defines such functionality. Further, it appears the Response to Arguments on page 2 of the Office Action doesn't directly address this argument as previously presented. Namely, the Office Action merely states that Applicant previously argued that none of the art of record discloses a recording log of a recording content which is aggregated together with a viewing log. Although this is an important feature of the claims, it is not the direct feature which was previously argued.

As noted above, the claims provide for measuring a frequency of appearances of attribute-values for content of a viewing log and content of a log purchase (the "recorded" content aspects are merely recited in dependent Claims 48 and 49), where two different types of attribute-values (e.g., the claimed attributes including at least a genre and a performer) are

comparable together in a ranking scheme. At page 4, the Office Action cites to Schlack to described the claimed added-value information generating unit which measures a frequency, noting that Schlack describes a percent of total viewing time spent viewing program types and the duration of viewing. However, this is not the type of measurement defined in the claims, and results in a different effect than what is provided for by the claims.

In Schlack, longer (time-wise) programs are weighted heavier in Schlack than shorter (time-wise) programs. Thus, in Schlack, longer programs will outweigh shorter programs that a user watches. Also, Schlack merely describes measuring an amount of time spent on each of a number of program types.²

Although Schlack describes a distinction between program types, as shown in Figure 16, and network types, as shown in Figure 20, there is no ranking performed based on a frequency of appearances to indicate a number of times each attribute-value appears in acquired-content associated information for content of a viewing log, as defined in the claims.

Further, Schlack merely describes ranking according to one attribute at a time. For example, Figure 16 of Schlack describes program ranking while Figure 20 describes network ranking - Schlack does not rank both together. Schlack is silent regarding ranking “the attribute-values for each attribute by the frequency of appearances based on the viewing log,” as required by the claims, which requires a “combined” ranking of the attributes of the content, which includes at least a genre and a performer.

Moreover, even if another reference were recited in combination with Schlack to incorporate the feature of ranking according to performers, one of ordinary skill in the art would merely provide another ranking, based on performers, in accordance with Figure 16 of Schlack. In other words, such a combination would merely result in another separate

² Schlack, Figure 16.

ranking, and there would still be a lack in teaching of a “combined” ranking, as defined by the claims.

None of the other cited references overcome the aforementioned deficiencies in the art of record. Accordingly, it is respectfully submitted Claims 22 and 32 (and any claims depending therefrom) are allowable over the art of record, and the outstanding rejections thereof should be withdrawn.

The Office Action separately rejects Claims 48 and 49 as being obvious over the teachings of Ellis. Applicants respectfully disagree. The relied upon section of Ellis merely describes that a user can select a program from a recorded program list to begin playback of the selected program.³ However, the claims do not merely recite selecting a recorded content for playback.

In particular, these claims recite a further aspect of a recording log of recorded content which is aggregated together with the viewing log. After an attribute is selected, a list of contents is generated, which includes content logged in the viewing log (now also including the recorded content).

As a result, one of these content can be selected to be reproduced when that particular content has already been recorded. No such functionality is described in Ellis.

All of the content listed in Figure 19 of Ellis is selectable for reproduction, because it is all content which has been previously recorded. That is, the list is merely a list of record content. There is no showing in the art of record of a list of content including recorded programs together with other programs of the claimed viewing log (log of purchase and log of viewed content).

As a result, it is respectfully submitted Claims 48 and 49 are further allowable over the art of record, and the rejection thereof should be withdrawn.

³ Ellis, Figure 19.

Consequently, it is respectfully submitted no issues remain outstanding in this application, and this application is thus in condition for allowance. Should the Examiner disagree, the Examiner is encouraged to contact the undersigned to discuss any outstanding issues. Otherwise, a timely Notice of Allowance is respectfully requested.

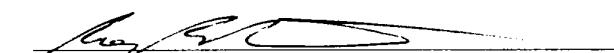
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 07/09)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Marc A. Robinson
Registration No. 59,276